



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		68
Day and Date	Friday and 30.05.2025	
Complaint No.	CR/6415/2024 Case titled as Lalita Wadhwa VS ATS Real Estate Builders Private Limited	
Complainant	Lalita Wadhwa	
Represented through	Lt. General Mohit Wadhwa – on behalf of the complainant in person	
Respondent	ATS Real Estate Builders Private Limited	
Respondent Represented through	Ms. Shivani Dang Advocate	
Last date of hearing	08.05.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint has been received on 27.12.2024 and the reply on behalf of respondent was received on 22.05.2025.		
S. N.	Particulars	Details
1.	Name and location of the project	“ATS Marigold” at Sector 89A, Gurgaon, Haryana
2.	Nature of the project	Group Housing Colony
3.	License no	87 of 2013 dated 11.10.2013
4.	RERA registration	55 of 2017 dated 17.08.2017
5.	Unit no.	4085, 8 th floor, in Tower- 4 (Page no. 28 of the complaint)
6.	Unit area admeasuring	1340 sq. ft. (Super built-up area)
7.	Allotment letter dated	29.09.2014 (Page 25 of complaint)



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8.	Buyer agreement	20.11.2019 (Page no. 26 of the complaint)
9.	Possession clause	7.1 <i>The promoter assures to hand over possession of the apartment for residential usage along with car parking (if applicable), on or before 31st December 2021, unless there is delay due to force majeure, court orders, govt policy/ guidelines, decisions affecting the regular development of real estate project.</i> (Page no. 32 of the complaint)
10.	Due date of possession	31.06.2022 As mentioned in possession clause of BBA (Note: A grace period 6 months is allowed being unconditional.)
11.	Sale consideration	Rs.1,02,10,250/- (As per payment plan at pg. 49 of complaint)
12.	Amount paid by the complainant	Rs.1,02,74,009/- (As payment receipts at page 4-19 of complaint)
13.	Occupation certificate	16.06.2023 (Page 44 of the reply)
14.	Offer of possession	20.06.2023 (Page 47 of reply)
15.	Settlement letter	23.04.2024 (Page 55 of reply)



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16.	Certificate of Possession	23.04.2024 (Page 56 of reply)
17.	Key Handover letter	23.04.2024 (Page 58 of reply)
18.	Possession letter	23.04.2024 (Page 59 of reply)
19.	Indemnity cum undertaking	Page 68 of reply

The complainant present in person states that the due date lapsed in 2022 and the physical possession of the unit has not been handed over till date and Rs.1,19,454/-, which was erroneously has been transferred to the escrow account of the respondent has not been refunded till date for which the complainant has wrote numerous emails to which no reply was ever given by the respondent.

The counsel for the respondent stated that occupancy certificate w.r.t. the unit was duly obtained on 16.06.2023. Also, the settlement letter was also signed by the complainant on 23.04.2024, key handover letter was signed on 23.04.2024, no dues certificate, indemnity cum undertaking, possession letter is also signed by the complainant, all these documents are already placed on record. Also, Rs. 10,00,000/- has been offered to the complainant as delayed possession interest. The respondent is also willing to refund Rs.1,19,454/- which was erroneously transferred to the escrow account of the respondent.

The complainant further states that the possession was offered to the complainant on 18.04.2024 through an email, a copy of which is being supplied during the proceedings. Further states that despite of numerous emails ere written to the respondent to refund the Rs.1,19,454/-, the same has not been refunded till date and hence, the respondent shall be directed to pay interest on that amount and is seeking delayed possession charges against the unit.

Arguments heard. Order reserved.



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Both the parties may file brief written submissions within 2 weeks with advance copy to each other.

The matter stands disposed of. Detail order will follow.


Vijay Kumar Goyal
Member
30.05.2025